



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE NOVEMBER 14, 2018 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 14, 2018, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sheriff Mark Dannels, Cochise County Sheriff's Office (via telephone)
Mr. Andrew LeFevre, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Deputy Christopher Pittmann, Maricopa County Sheriff's Office
Deputy Director Joe Profiri, representing Director Charles Ryan, AZ Department of Corrections

Members Absent:

Chief Lawrence Hall, Buckeye Police Department
Chief Alan Rodbell, Scottsdale Police Department
Mr. Richard Wooten, Public Member

Staff in Attendance:

Matt Giordano, Executive Director
Billy Caldwell, Compliance Specialist
Marie Dryer, Program Administrator
Steve Enteman, Training Supervisor
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Cheryl Holliday, Administrative Assistant
Steve Jacobs, Compliance Specialist
Mike Orose, Compliance Specialist
Lynn Pirkle, Administrative Services Officer
Cynthia Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Seth Hargraves
Mark Brachtl

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Mr. Ahler (AAG) to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- For the record, there are three board members absent today; Chief Larry Hall, Chief Alan Rodbell and Mr. Richard Wooten. There are also two Board member vacancies (public member and jail administrator).
- Final Action Case #17-051, Matthew A. Hedrick, will be tabled.
- Five names have been removed from the training deficiency list; they have completed the required training.

C. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda. The motion was seconded by Colonel Milstead and passed unanimously.

The following meeting minutes were approved as written:

1. Minutes of the Board meeting held on September 19, 2018; and
Minutes of the Board meeting held on October 17, 2018.
2. Ministerial Actions:
 - a. Certification Waivers:

| | |
|------------------------|--|
| Alex M. Gryclewski | Salt River Pima-Maricopa Indian Community PD |
| Timothy A. Hariper Jr. | Yuma Police Department |
| Carlos G. Navarro | Phoenix Police Department |
| Christopher A. Ucho | Chandler Police Department |
| Cody T. Wantland | Yavapai-Apache Nation Police Department |
| Richard J. Galanos Jr. | AZ Attorney General's Office |
| Peter Goodman | Prescott Valley Police Department |
| Arthur J. Miller | Peoria Police Department |

3. Income and Expense Statement – September 2018

| | |
|----------------------------------|----------------|
| Funds as of September 1, 2018 | \$2,281,026.02 |
| CJEF Revenue (September 2018) | 552,394.76 |
| Misc. Revenue (September 2018) | 132.25 |
| Expenditures for September 2018 | (326,753.78) |
| Balance as of September 30, 2018 | \$2,506,799.25 |

4. Consent Agreements for Voluntary Relinquishment of Peace Officer Certification. The following individual, without admitting to any misconduct, requests the Board accept her request to permanently relinquish her Arizona peace officer certification:

Christy J. Talkalai 18-011 San Carlos Tribal Police Department

5. Training Audit Deficiencies. The following individuals are deficient in their annual training. The Board shall restrict their certified status until the deficiencies are corrected:

| <u>Name</u> | <u>Year Deficient</u> |
|----------------|-----------------------|
| Troy Mullender | 2017 |
| Lewis Johnston | 2017 |
| Scott Walker | 2015-2017 |

D. Executive Director’s Report

Matt Giordano, Executive Director

- The building’s roof is currently being repaired. Once all the repairs are completed within the next week, we will have a 15-year guarantee that the roof will not leak.
- Met with the Department of Administration (DOA) to discuss our IT needs and the transferring of some of our demands to DOA. Looking at a proposal right now that will offer us more efficiencies plus save us some money.
- Attended the Pinal County Law Enforcement Association meeting in Coolidge on November 8.
- Will be traveling to Window Rock next week to meet with Chief Francisco from the Navajo Division of Public Safety to discuss their academy.
- There are significant issues with the electrical panels in the building; these will be replaced in the coming weeks. This will make it a safer facility.

E. Legislative Update

Matt Giordano, Executive Director

There is nothing new to report.

F. Summary of Current Events

Matt Giordano, Executive Director

- Have attended numerous Subject Matter Expert (SME) meetings the past few days. Training is reaching out statewide to all SMEs to bring them all together and get them back on the same page and make any necessary changes to our curriculum.
- Mr. LeFevre provided an update on HB 2313 which amended the CJEF formula and shrunk the amount of money going into the CJEF Fund from 47 to 42 percent and adjusted everybody's percentage of what they would receive. ACJC will work with Director Giordano to start monitoring this change which goes into effect January 1, 2019. He will also include Director Giordano in any working group meetings they have in the future.
- Colonel Milstead stated due to hiring issues, he would like to suggest an idea that we go back and review AZ POST policies on drug use and the use of prescription medication. He does not think this is about lowering standards, but more about modernizing them. We also need to look at undetected crimes; something an individual did as a youth that was undetected we are waiting seven years because that is the statute of limitations. We need to look at these things so we are not eliminating too many people in the process. Chairman Mascher stated this is something the Board should definitely be talking about.

It was determined that this should be a future agenda item and discussed at a future date since this matter was not specifically on the agenda.

G. Reports – Department of Corrections

Deputy Director Joe Profiri

- Since the last regular meeting, 62 cadets have graduated from COTA. Currently there are five classes with 140 cadets in attendance. There are 1,056 vacancies statewide. Six cadets have graduated through county IGAs.

H. Final Action Cases:

1. 17-051 – Matthew A. Hedrick – Pinal County Sheriff's Office
This case was tabled.
2. #18-075 – Clausell Ray – AZ Department of Transportation - ECD
The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the case. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Ray. The motion was seconded by Deputy Pittmann and passed unanimously.

I. New Charging Cases:

1. #18-097 – Daniel J. Beutel – Mesa Police Department
The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Colonel Milstead made a motion to close this case with *No Action with Agency Discretion*. The motion was seconded by Deputy Pittmann and passed unanimously.

2. #18-121 – Alicia W. Vildusea – Tucson Police Department
The Board considered comments from Compliance Specialist Arlene Heckel, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** against Ms. Vildusea’s peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
3. #18-122 – Wilfredo Garcia – La Paz County Sheriff’s Office
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Colonel Milstead made a motion to **Initiate Proceedings** against Mr. Garcia’s peace officer certification. The motion was seconded by Officer Medina and passed unanimously.
4. #18-125 – Brad R. Jacobs – Lake Havasu City Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Mr. LeFevre made a motion to **Initiate Proceedings** against Mr. Jacobs’ peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.
5. #18-127 – Brian L. McAfee – Parker Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Colonel Milstead made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Officer Medina and passed unanimously.
6. #18-119 – Michael W. Mishler – Surprise Police Department
The Board considered comments from Compliance Specialist Mike Orose, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** (for denial of peace officer certification). The motion was seconded by Deputy Director Profiri and passed unanimously.
7. #18-049 – Omar Sanchez-Beltran – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Mr. LeFevre made a motion to **Initiate Proceedings** against Mr. Sanchez-Beltran’s peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

J. Call to the Public

No one wished to address the Board.

K. Future Agenda Items

The review of standards and drug use will be placed on a future agenda for discussion and possible action. AZ POST has already started collecting data from other states on how those states are handling these matters. There is a possibility that this will require a rule change.

L. Adjournment

The meeting was adjourned at 10:31 a.m.